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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD KARL POOLE, JR.,

Defendant.

Case No. CR09-5348RJB

ORDER GRANTING MOTION FOR
RELEASE PENDING APPEAL

This matter comes before the court on the above-referenced motion (Dkt. 39). The court is familiar with the records and files herein, documents filed in support of and in opposition to the motion, and the events of the sentencing hearing.

It appears to the court, and the court finds by clear and convincing evidence, that the defendant is not likely to flee or pose a danger to the safety of any other person or the safety of the community if released, and that the defendant's appeal is not made for the purpose of delay and does raise a substantial question of law likely to result in reversal. Accordingly, the Defendant's Motion for Release Pending appeal should be granted.

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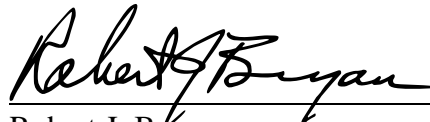
Therefore, it is now

ORDERED that defendant's Motion for Release Pending Appeal (Dkt. 39) is granted. It is further

ORDERED that the defendant may be released pending appeal with and under the same conditions that he has been under to the present time, those conditions being found in the appearance bond filed in this matter under Docket No. 9.

The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

Done in Open Court this 10th day of November, 2009.


Robert J. Bryan
United States District Judge